

RECEIVED
CENTRAL FAX CENTER

0007/016

APR 26 2010

Appl. No. 10/537,135
Response to Office Action of January 26, 2010

PATENT
Docket No.: US020476US
Customer No. 24737

Amendment to the Drawings

The attached Replacement Sheet of drawings includes changes to FIGs. 1 and 2. In FIGs. 1 and 2, appropriate labels for the blocks and features of each figure have been added.

Attachment: Replacement Sheets
Annotated Sheets Showing Changes

Appl. No. 10/537,135
Response to Office Action of January 26, 2010

PATENT
Docket No.: US020476US
Customer No. 24737

REMARKS

By this amendment, the specification has been amended to correct a minor typographical omission by inserting reference numeral 9 of FIG. 1 representing a range of motion into the specification where appropriate. In addition, claims 1, 21-22 and the drawings have been amended. Claims 1-22 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, is respectfully requested.

The Drawings

The drawings stand objected to because all diagrammatic blocks and features in Figures 1 and 2 are required to be distinctly labeled to indicate contents or function with legends. Applicant notes the objection and has amended Figures 1 and 2, as presented herein, to include appropriate labels for each of the blocks and features. Support for the amendment to the drawings can be found in the specification, at least on page 5, lines 29-32; and on page 6, line 1 to page 8, line 10. Accordingly, the objection of the drawings has now been overcome and should be withdrawn.

Objection to the Claims

Claim 1 stands objected to because of informalities. As presented herein, claim 1 has been amended to replace "A" with --An--. Withdrawal of the objection is respectfully requested.

Rejection under 35 U.S.C. §102

Claim 1:

Claim 1 recites an apparatus comprising:
a device;
an arm assembly having a first end connected to a fixed support and a second end connected to the device, said arm assembly having actuating means

Appl. No. 10/537,135
Response to Office Action of January 26, 2010

PATENT
Docket No.: US020476US
Customer No. 24737

for positioning the device;

a sensor configured to detect and provide information about a subject within a sensing range of the sensor, the subject having eyes, and the sensor being calibrated with a location of the subject corresponding to a position and orientation of a midpoint of the eyes; and

a processor configured to process said information, the processor further being configured to (i) determine a current location of the subject in response to the processed information, (ii) determine a first location, corresponding to an optimal position based on the current location of the subject, for use of the device by the subject, wherein a top of the device is aligned with the midpoint of the eyes of the subject, and (iii) control the actuating means to move the arm assembly to position the device at a second location relative to the first location within a configuration space of allowable device positions and taking into account movement restraints and nearby obstacles, the second location further corresponding to an achievable position within the configuration space nearest the optimal position.

Support for the amendments to claim 1 (as well as for claims 21 and 22) can be found in the specification at least on page 3, lines 22-28; page 6, lines 4-6, 8-12, 21-22, 30-31; page 7, lines 1-12, 20-21 and 24-25; page 8, lines 8-10; and page 14, lines 6-9. The amendments are supported by the specification and drawings as originally filed, thus no new matter has been introduced.

Claims 1-18, 21 and 22 were rejected under 35 U.S.C. §102(a) as being anticipated by Gutta et al. (WO 02/071315, hereinafter "Gutta"). With respect to claim 1, Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Appl. No. 10/537,135
Response to Office Action of January 26, 2010

PATENT
Docket No.: US020476US
Customer No. 24737

Therefore, with respect to claim 1, as now amended, to sustain this rejection the **Gutta** reference must contain all of the above claimed elements. However, contrary to the position that all elements are disclosed in the **Gutta** reference, the reference does not disclose an apparatus that includes "... a *sensor* ... calibrated with a location of the subject corresponding to a position and orientation of a midpoint of the eyes; and a *processor* ... configured to (i) determine a *current location* of the subject ... (ii) determine a *first location*, corresponding to an *optimal position* based on the *current location* of the subject, for use of the device by the subject, wherein a *top of the device* is *aligned* with the *midpoint of the eyes* of the subject, and (iii) control the actuating means to *move the arm assembly* to position the device at a *second location* relative to the *first location* within a *configuration space* of allowable device positions and taking into account movement restraints and nearby obstacles ... further corresponding to an *achievable position* within the configuration space *nearest the optimal position*" (emphasis added) as is claimed in claim 1. Therefore, the rejection is not supported by the **Gutta** reference and should be withdrawn.

In contrast, the **Gutta** reference discloses a system for automatic positioning of a display depending upon the viewer's location. The system of **Gutta** automatically adjusts the orientation of a screen of a display so that it is facing a viewer. However, the **Gutta** reference does not disclose an apparatus that includes "... a *sensor* ... calibrated with a location of the subject corresponding to a position and orientation of a midpoint of the eyes; and a *processor* ... configured to (i) determine a *current location* of the subject ... (ii) determine a *first location*, corresponding to an *optimal position* based on the *current location* of the subject, for use of the device by the subject, wherein a *top of the device* is *aligned* with the *midpoint of the eyes* of the subject, and (iii) control the actuating means to *move the arm assembly* to position the device at a *second location* relative to the *first location* within a *configuration space* of allowable device positions and taking into account movement restraints and nearby obstacles ... further

Appl. No. 10/537,135
Response to Office Action of January 26, 2010

PATENT
Docket No.: US020476US
Customer No. 24737

corresponding to an *achievable position* within the configuration space *nearest the optimal position*" (emphasis added) as is claimed in claim 1.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Claims 2-18 depend from and further limit independent claim 1 and therefore are allowable as well. Accordingly, the 35 U.S.C. §102(a) rejection thereof has now been overcome.

Claim 21 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 21 is believed allowable and an early formal notice thereof is requested. Claim 22 depends from and further limits independent claim 21 and therefore is allowable as well. The 35 U.S.C. §102(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §103

Claims 19 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over **Gutta** et al. in view of Jeong (US 6,348,928, hereinafter "**Jeong**"). Applicant respectfully traverses this rejection for at least the following reasons. Claims 19 and 20 depend from and further limit allowable independent claim 1 and therefore are allowable as well. Accordingly, the 35 U.S.C. §103(a) rejection thereof has now been overcome.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

APR 26 2010

Appl. No. 10/537,135
Response to Office Action of January 26, 2010

PATENT
Docket No.: US020476US
Customer No. 24737

It is clear from all of the foregoing that independent claims 1 and 21 are in condition for allowance. Claims 2-20 depend from and further limit independent claim 1 and therefore are allowable as well. Claim 22 depends from and further limits independent claim 21 and therefore is allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-22 is requested.

Respectfully submitted,

By: */Michael J. Balconi-Lamica/*

Michael J. Balconi-Lamica
Registration No. 34,291
for Charles E. Kosinski, Reg. No. 39,254

Dated: April 26, 2010

Mail all correspondence to:

Charles E. Kosinski, Esq.
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, New York 10510-8001, USA
Telephone: (724) 387-3746
email: charles.kosinski@philips.com
Facsimile: 914-332-0615

ATTACHMENTS

a-32658.357